

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/492,803	KONUSHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Quyen P. Leung	2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included  
 with (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS  
 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative  
 of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to 12/29/2003.
- The allowed claim(s) is/are 1-5,9,10,12-15 and 22-29.
- The drawings filed on 28 May 2003 are accepted by the Examiner.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some\*    c)  None    of the:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements set forth below. Failure to timely comply will result in ABANDONMENT of this application.  
**HIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
     1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
     Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
     Paper No./Mail Date \_\_\_\_\_.
- Examiner's Comment Regarding Requirement for Deposit  
     of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),  
     Paper No./Mail Date \_\_\_\_\_.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other \_\_\_\_\_.

  
 Quyen P. Leung  
 Primary Examiner  
 Art Unit: 2828

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## REASONS FOR ALLOWANCE

1. In response to applicant's amendment filed 12/29/2003, claim 22 has been amended. Claims 1-5, 9-10, 12-15, 22-29 are pending.
2. Applicant's arguments, see paragraph connecting pages 9 and 10, filed 12/29/2003, with respect to applicant's claimed features missing from the teachings of Hamada having criticality and are not mere design choice have been fully considered and are persuasive. The 103(a) rejection of Hamada has been withdrawn.
3. Claims 1-5, 9-10, 12-15, 22-29 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The cited prior art do not teach or fairly suggest a semiconductor laser comprising a spacer layer between an interfacing optical guide layer and a cladding layer, wherein the guide layer having a thickness of 30 nm or 35 nm or wherein the interface having a carrier concentration between  $5 \times 10^{16} \text{ cm}^{-3}$  and  $5 \times 10^{17} \text{ cm}^{-3}$  or wherein the spacer layer is a single layer having a thickness between 5 nm and 10 nm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quyen P. Leung whose telephone number is (571)272-1943. The examiner can normally be reached on 9-5:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571)272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quyen P. Leung  
Primary Examiner  
Art Unit 2828

QPL